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|-------------------------------|-----------------|-----------------|--|
| <b>Notice of Allowability</b> | Application No. | Applicant(s)    |  |
|                               | 10/041,858      | GUDAITIS ET AL. |  |
|                               | Examiner        | Art Unit        |  |
|                               | Kara E. Geisel  | 2877            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 07 January 2002.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>0102</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                           | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement January 7<sup>th</sup>, 2002 has been considered by the examiner.

### *Examiner's Reasons for Allowance*

Claims 1-20 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method comprising illuminating a first portion of a colored region with first light from a gas discharge tube, illuminating a second portion of the colored region with second light from a first solid state lamp, and illuminating a third portion of the colored region with third light from a second solid state lamp, in combination with the rest of the limitations of claim 1.

As to claim 11, the prior art of record, taken alone or in combination, fails to disclose or render obvious a color measurement device comprising a gas discharge tube to illuminate a first portion of a colored region with first light having a first spectrum, a first solid state lamp to illuminate a second portion of the colored region with second light having a second spectrum, and a second solid state lamp to illuminate a third portion of the colored region with third light having a third spectrum, in combination with the rest of the limitations of claim 11.

As to claim 18, the prior art of record, taken alone or in combination, fails to disclose or render obvious a colorimeter comprising a xenon tube to illuminate a first portion of a colored region with first light having a first spectrum, a first white light LED to illuminate a second portion of the colored region with second light having a second spectrum, and a second white light LED to illuminate a third portion of the colored region with third light having a third spectrum, in combination with the rest of the limitations of claim 18.

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As to claim 19, the prior art of record, taken alone or in combination, fails to disclose or render obvious an imaging device comprising color measurement device comprising a gas discharge tube to illuminate a first portion of a colored region with first light having a first spectrum, a first solid state lamp to illuminate a second portion of the colored region with second light having a second spectrum, and a second solid state lamp to illuminate a third portion of the colored region with third light having a third spectrum, in combination with the rest of the limitations of claim 19.

As to claim 20, the prior art of record, taken alone or in combination, fails to disclose or render obvious a color measurement device comprising means for illuminating a first portion of a colored region with first light having a first spectrum corresponding to a xenon bulb, means for illuminating a second portion of the colored region with second light having a second spectrum corresponding to a white light LED, and a means for illuminating a third portion of the colored region with third light having a third spectrum corresponding to a white light LED, in combination with the rest of the limitations of claim 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Additional Prior Art*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art made of record is Terauchi et al. (USPN 5,570,192), Mestha et al. (USPN 6,603,551), and Meller (USPN 6,791,676).

Terauchi discloses a color measurement device comprising a gas discharge tube to illuminate a first portion of a colored region with first light having a first spectrum.

Mestha discloses a color measurement device comprising a first solid state lamp to illuminate a first portion of a colored region with first light having a first spectrum, a second solid state lamp to

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illuminate a second portion of the colored region with second light having a second spectrum, and a third solid state lamp to illuminate a third portion of the colored region with third light having a third spectrum.

Meller discloses a color measurement device comprising a gas discharge tube to illuminate a first portion of a colored region with first light having a first spectrum.

*Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kara E Geisel whose telephone number is 571 272 2416. The examiner can normally be reached on Monday through Friday, 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on 571 272 2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Toatley, Jr.  
SPE  
Art Unit 2877

K.E.  
KEG  
November 22, 2005

  
Samuel A. Turner  
Primary Examiner  
FOA